



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 9 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**IN THE MATTER OF:**

Alexander Oil Company

**ATTENTION:**      **Alexander Oil Company**  
PO Box 769  
Brenham, TX 77833

**CC:**                **Jud G. Alexander**  
Registered Agent for Alexander Oil Company  
2206 Creekwood Lane  
Brenham, TX 77833

**Request for Information Under Section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a)**

The United States Environmental Protection Agency (EPA) hereby requires Alexander Oil Company (Alexander), to submit certain information as part of an EPA investigation to determine Alexander's compliance with Section 211 of the Clean Air Act (CAA), 42 U.S.C. § 7545 and the corresponding fuels regulations at 40 C.F.R. Parts 79 and 80 (fuels regulations). The EPA is requesting information concerning all fuels, blendstocks, and fuel additives that Alexander produced from 2009 through the date of the response to this request. Appendix A provides instructions for your response to this request. Appendix B provides definitions and Appendix C specifies the information that you must submit. You must submit this information to us within 30 calendar days from the date of this request. Please note that if additional information responsive to this request is identified, found or located by Alexander,

following your response to this request, you are required to submit all such material within seven calendar days of discovery.

We are issuing this information request under Section 114(a) of the CAA, 42 U.S.C. § 7414(a). Under Section 114(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with Section 211 of the CAA, 42 U.S.C. § 7545, and the regulations promulgated thereunder. The Administrator has delegated this authority to the Director of the Air Enforcement Division in the Office of Enforcement and Compliance Assurance.

Failure to provide the required information may result in the initiation of an enforcement action pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries. It is important that your responses be clear, accurate, and complete. We will regard submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA.

Alexander must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

We may use any information submitted in response to this request in an administrative, civil, or criminal action.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this request, in accordance with the procedures described in the confidentiality of

business information (CBI) regulations, 40 C.F.R. Part 2, Subpart B. However, no such CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Appendix D specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

To aid in our electronic recordkeeping efforts, please provide your response to this request for information without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

Please submit all requested information, via courier service or overnight delivery, to:

Natalie Firestine, Attorney-Advisor  
U.S. Environmental Protection Agency  
Mobile Source Enforcement Branch  
OECA/AED/Western Field Office (8MSU)  
1595 Wynkoop Street  
Denver, CO 80202-1129

Any questions concerning this request for information should be directed to Natalie Firestine of my staff at (303) 312-7165.

7/9/13  
Date

  
Phillip A. Brooks, Director  
Air Enforcement Division



## **Appendix A**

### **Instructions**

1. Provide a response to each of the requests. For any narrative responses, respond in English, in written document form.
2. This Request is a continuing request. You must promptly supplement your response in the event that you learn that you possess responsive documents or information not yet produced, or if you gain possession, custody, or control of responsive documents or information after initially responding to these requests.
3. For each answer and document produced, please provide the number of the question to which it responds and identify each person who provided information that was used to prepare that answer.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where a document or information necessary for a response is neither in your possession nor available to you, indicate in your response why such document or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
6. All submitted documents should be copies and not original documents.
7. Where Alexander has previously submitted information to the EPA requested herein, re-submit the information in the format requested. Identify the material that was previously provided, the date on which it was provided, and the person at the EPA to whom it was provided.

## **Appendix B**

### **Definitions**

1. All terms used in this Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 et seq., or the implementing fuels regulations at 40 C.F.R. Part 80.
2. The terms “document” and “documents” shall mean any information in a recorded form. Documents include, without limitation, writings, memoranda, records, electronic mail, text messages, electronic files or records, recorded communications, images, sound recordings, and any combination of the preceding. Recorded information is a document regardless of the medium in which the information is recorded, methods required to produce the information in usable form, or the formality or informality of the information. All documents produced under this Request must be unedited, complete, and be accompanied by all exhibits, attachments, and enclosures. If a document is not immediately accessible and comprehensible to the EPA, the information recorded in that document must be presented in an immediately accessible and comprehensible form. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support.
3. “Person” or “entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
4. “Alexander,” “you” and “your” includes Alexander Oil Company and any affiliates, predecessors, successors, and assigns.
5. “Affiliate” or “affiliated” - used to indicate a relationship to a specified entity, and means any entity that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by or is under common ownership or control with such entity.

## **Appendix C**

### **Information Request**

Alexander shall provide the following information to the EPA, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), within thirty (30) calendar days from the date of this request.

1. For each tanker truck, batch or specific volume of any fuel, blendstock, blendstock component, fuel additive, or fuel additive component blended, mixed, or in any way combined, produced, or distributed by Alexander, or that was directed by Alexander to be mixed, produced, or distributed, from 2009 to the date of Alexander's response to this information request, provide the information requested below. For each item below, if you do not have a responsive document or record, provide a statement of that fact.
  - a. Identify the batch number or other identifying information, date of production, volume, and location where the fuel, blendstock, or fuel additive mixture was produced. If the fuel, blendstock, or fuel additive mixture was produced in a tank truck, please identify the location(s) where all components were blended.
  - b. Provide a detailed explanation of the process followed by Alexander to produce, mix and distribute any fuel, blendstock, and fuel additive mixture, including any written processes or procedures.
  - c. Provide all product transfer documents, invoices, receipts, bills of lading or other records of transfer or purchase associated with the production, storage and distribution of any fuel, blendstock, and fuel additive. These would include product transfer documents, invoices, receipts, bills of lading or other records of transfer or purchase associated with the components used to produce any blendstock or fuel additive and product transfer documents, invoices, receipts, bills of lading or other records of transfer or purchase associated with the original gasoline prior to mixture with the additive or blendstock.
  - d. Provide all lab sampling and testing results associated with any fuel, blendstock, and fuel additive produced, mixed or distributed by Alexander. These documents include sampling and analysis performed by Alexander and any outside parties or laboratories. If you or an outside party did conduct any analysis of the properties and/or characteristics, for each tanker truck, batch or specific volume of any fuel, blendstock, blendstock component, fuel additive or fuel additive component, please identify the person that conducted the analysis, identify the location of the laboratory where the analysis was conducted, state what steps (if any) you or the outside party took to ensure that the sample analyzed was representative of the product, identify the test method that you or the outside party used to conduct the analysis, and provide all documents showing the results of each analysis.
  - e. State any representations made to customers related to the final product delivered, concerning whether the product was an additive or was a fuel.
  - f. Any and all promotional and/or marketing material related to the fuel, blendstock, blendstock component, fuel additive, or fuel additive component identified.



- g. Identify each location where the final product resulting from the mixture of the fuel, blendstock, blendstock component, fuel additive, or fuel additive component was delivered by Alexander.
  - h. State whether or not you have retained a sample of the fuel, blendstock, blendstock component, fuel additive, or fuel additive component, and if so state where the sample is currently located.
- 2. Describe each and every complaint, including retail customer complaints and consumer complaints, that Alexander has received relating to products that it produced and/or that it sold from January 1, 2009, through the date of Alexander's response to this information request, and provide copies of all documents in any way relating to these complaints.
- 3. On August 4, 2011, the EPA inspectors observed Alexander mixing gasoline with blendstock or fuel additive. Specifically, during the inspection, EPA inspectors observed a tanker truck driver add 308 gallons of blendstock or fuel additive to 1,850 gallons of RFG. For the period of January 1, 2009, to the date of Alexander's response to this information request, provide the total number of gallons for each batch or delivery of blendstock or fuel additive and total gallons of fuel mixed with fuel additive or blendstock sold or distributed by Alexander that used the same additive or blendstock formula and ratio of fuel to fuel additive or blendstock as that observed by the EPA on August 4, 2011.
- 4. Provide all records, documents, and communication including emails and faxes associated with any registration with the EPA of any fuel or fuel additive produced by Alexander during the period of January 1, 2009, to the date of Alexander's response to this information request. In the records, include each and every report that Alexander filed with the EPA from January 1, 2009, to the date of Alexander's response to this information request that in any way relates to compliance with the federal fuels regulations set forth in 40 C.F.R. Parts 79 and 80, and provide copies of each report.
- 5. Explain each and every action you have taken (in addition to the actions described in response to the requests set forth above) to determine whether or not fuel, blendstock, blendstock component, fuel additive, or fuel additive component mixed, blended, produced, delivered or sold from January 1, 2009, through the date of Alexander's response to this information request complied with the federal fuels regulations set forth in 40 C.F.R. Parts 79 and 80.
- 6. Provide all contracts or agreements with other companies or entities involved with storage, supply, distribution, mixing, blending or production or sale of any fuel, blendstock, blendstock component, fuel additive, or fuel additive component produced or delivered by Alexander covering the period of January 1, 2009, to the date of Alexander's response to this information request.
- 7. In addition to documents provided in response to any request set forth above, provide copies of any and all other documents in any way relating to fuel, blendstock, blendstock component, fuel additive, or fuel additive component that Alexander used to produce fuel, blendstock, blendstock component, fuel additive, or fuel additive component from January 1, 2009, through the date of Alexander's response to this information request.

8. Provide a copy of any and all document and forms that Alexander submitted to or received from the Internal Revenue Service (including corporate tax returns) from January 1, 2009, through the date of Alexander's response to this information request relating to the products identified in response to the questions above during this time period.
9. Describe, in detail, the business relationship between Alexander and all of its customers that it sold and/or delivered product identified in the questions above from January 1, 2009, through the date of Alexander's response to this information request. Include the customer name, contact person, physical address, delivery address, and product delivered for all Alexander customers.
10. Provide copies of any and all contracts, agreements, correspondence and other documents between Alexander and all customers identified in the previous question from January 1, 2009, through the date of Alexander's response to this information request relating to the production, sale, delivery and/or purchase of product identified in the previous questions.
11. Describe Alexander's corporate structure and details of your business relationship with Gulftech Marketing LP, Eidgen, Inc., Tauber Oil Company, and any other companies or entities with whom you have entered into contracts or agreements associated with the storage, supply, distribution, mixing, or production of any fuel, blendstock, blendstock component, fuel additive, or fuel additive component covering the period of January 1, 2009, to the date of Alexander's response to this information request.
12. Please provide the total incoming revenue, on a monthly basis, from the sale of each fuel, blendstock, blendstock component, fuel additive, or fuel additive component product identified above since January 1, 2009.
13. Please provide all contact information related to Alexander's business, including the number of employees, names of officers and managers, any website addresses, and physical locations of all facilities and plants. If you do not have a website now, but did have a website in the past, please provide the address for all former websites, and reasons for taking those websites down.
14. Please state whether and how you meet the health effects testing requirements under 40 C.F.R. § 79.52, 40 C.F.R. § 79.53, 40 C.F.R. § 79.54, or 40 C.F.R. § 79.56, including whether you are paying for health effects testing related to the products identified in the questions above.



## **Appendix D**

### **Confidential Business Information**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Information Request for any business information entitled to confidential treatment under Section 114(c) of the CAA, 42 U.S.C. § 7414, and 40 C.F.R. Part 2, Subpart B. Under Section 114(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the CAA and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this Information Request as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Information Request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business’ competitive edge. *See* 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this Information Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:



Natalie Firestine, Attorney/Advisor  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance, 8MSU  
1595 Wynkoop Street  
Denver, CO 80202

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). By submitting this information, you are consenting to a limited release of any confidential business information to the EPA legal interns pursuant to 40 C.F.R. § 2.209(f). The EPA's legal interns are required to sign confidentiality agreements as a requirement of their participation in EPA related matters. Information covered by such a business confidentiality claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

CERTIFICATE OF MAILING

I, Tawanna Cathey, certify that I sent a Request for Information under Section 114(a) of the Clean Air Act, 42 U.S.C. § 7414(a), by Certified Mail, Return Receipt Requested, to:

**Alexander Oil Company**

PO Box 769

Brenham, TX 77833


**Jud G. Alexander**

Registered Agent for Alexander Oil Company

2206 Creekwood Lane

Brenham, TX 77833

on the 9<sup>th</sup> day of July 2013.

  
\_\_\_\_\_  
Tawanna Cathey

Certified Mail Receipt Number: 7006 01 00 000518876236